

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

) Docket **HWCA 01/02 - 3033**

) Rho-Chem Corporation

) dba

) CONSENT ORDER

) Philip Services Corporation

) 425 Isis Avenue

) Inglewood, CA 90301

) Health and Safety Code  
Section 25187

) EPA ID No. CAL 008 354 432

) Respondent.

The State Department of Toxic Substances Control

(Department) and Rho-Chem Corporation doing business as

Philip Services Corporation (Respondent) enter into this

Consent Order and agree as follows:

1. Respondent generates, handles, treats, stores, transports, and/or disposes of hazardous waste at: 425 Isis Avenue, Inglewood, California 99301 (Site).

2. The Department inspected the Site on August 29, 2001.

3. The Department alleges the following violations



1                   3.1. The Respondent violated Health and Safety Code  
2 section 25202, subdivision (a) and California Code of  
3 Regulations, title 22, section 66270.30, in that on or about  
4 August 29, 2001, Respondent stored hazardous waste  
5 (contaminated solid debris) at a point not authorized by the  
6 Department.  
7

8                   3.2. The Respondent violated California Code of  
9 Regulations, title 22, section 66264.71, in that on or about  
10 August 29, 2001, Respondent failed to sign and date nine  
11 manifests upon receipt of wastes on-site.

12                   4. A dispute exists regarding the alleged  
13 violations.

14                   5. The parties wish to avoid the expense of  
15 litigation and to ensure prompt compliance.

16                   6. Jurisdiction exists pursuant to Health and  
17 Safety Code section 25187.

18                   7. Respondent waives any right to a hearing in  
19 this matter.  
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21                   8. This Consent Order shall constitute full  
22 settlement of the violations alleged above, but does not  
23 limit the Department from taking appropriate enforcement  
24 action concerning other violations.

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1                   9.    Respondent admits the violations alleged  
2    above.

3                                   SCHEDULE FOR COMPLIANCE

4                   10.   Respondent shall comply with the following:

5                   10.1.   Effective immediately, Respondent shall  
6    cease storing hazardous waste at a point not authorized by  
7    the Department.

8                   10.2.   Effective immediately, Respondent shall sign  
9    and date the original manifest upon receipt of hazardous  
10   waste and give at least one original signed copy of the  
11   manifest to the transporter.

12                   Submittals: All submittals from Respondent  
13   pursuant to this Consent Order shall be sent to:

14                                   Florence Gharibian, Branch Chief  
15                                   Statewide Compliance Division  
16                                   Department of Toxic Substances Control  
17                                   1011 North Grandview Avenue  
18                                   Glendale, California 91201

19                   10.3.   Communications: All approvals and decisions  
20   of the Department made regarding such submittals and  
21   notifications shall be communicated to Respondent in writing  
22   by a Branch Chief, Department of Toxic Substances Control, or  
23   his/her designee. No informal advice, guidance, suggestions,  
24   or comments by the Department regarding reports, plans,  
25   specifications, schedules, or any other writings by  
26



Respondent shall be construed to relieve Respondent of its obligation to obtain such formal approvals as may be required.

10.4. Department Review and Approval: If the Department determines that any report, plan, schedule, or other document submitted for approval pursuant to this Consent Order fails to comply with the Order or fails to protect public health or safety or the environment, the Department may return the document to Respondent with recommended changes and a date by which Respondent must submit to the Department a revised document incorporating the recommended changes.

10.5. Compliance with Applicable Laws: Respondent shall carry out this Order in compliance with all local, State, and federal requirements, including but not limited to requirements to obtain permits and to assure worker safety.

10.6. Endangerment during Implementation: In the event that the Department determines that any circumstances or activity (whether or not pursued in compliance with this Consent Order) are creating an imminent or substantial endangerment to the health or welfare of people on the site or in the surrounding area or to the environment, the Department may order Respondent to stop further



implementation for such period of time as needed to abate the  
endangerment. Any deadline in 'this Consent Order directly  
affected by a Stop Work Order under this section shall be  
extended for the term of such..StopWork Order.

10.7. Liability: Nothing in this Consent Order  
shall constitute or be construed as a satisfaction or release  
from liability for any conditions or claims arising as a  
result of past, current, or future operations of Respondent,  
except as provided in this Consent Order. Notwithstanding  
compliance with the terms of this Consent Order, Respondent  
may be required to take further actions as are necessary to  
protect public health or welfare or the environment.

10.8. Site Access: Access to the Site shall be  
provided at all reasonable times to employees, contractors,  
and consultants of the Department, and any agency having  
jurisdiction. Nothing in this Consent Order is intended to  
limit in any way the right of entry or inspection that any  
agency may otherwise have by operation of any law. The  
Department and its authorized representatives may enter and  
move freely about all property at the Site at all reasonable  
times for purposes including but not limited to: inspecting  
records, operating logs, and contracts relating to the Site;  
reviewing the progress of Respondent in carrying out the



1 terms of this Consent Order; and conducting such tests as the  
2 Department may deem necessary. Respondent shall permit such  
3 persons to inspect and copy all records, documents, and other  
4 writings, including all sampling and monitoring data, in any  
5 way pertaining to work undertaken pursuant to this Consent  
6 Order.  
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8 10.9. Sampling, Data, and Document Availability:

9 Respondent shall permit the Department and its authorized  
10 representatives to inspect and copy all sampling, testing,  
11 monitoring, and other data generated by Respondent or on  
12 Respondent's behalf in any way pertaining to work undertaken  
13 pursuant to this Consent Order. Respondent shall allow the  
14 Department and its authorized representatives to take  
15 duplicates of any samples collected by Respondent pursuant to  
16 this Consent Order. Respondent shall maintain a central  
17 depository of the data, reports, and other documents prepared  
18 pursuant to this Consent Order. All such data, reports, and  
19 other documents shall be preserved by Respondent for a  
20 minimum of six years after the conclusion of all activities  
21 under this Consent Order. If the Department requests that  
22 some or all of these documents be preserved for a longer  
23 period of time, Respondent shall either comply with that  
24 request, deliver the documents to the Department, or permit  
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26  
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1 the Department to copy the documents prior to destruction.  
Respondent shall notify the Department in writing at least  
3 six months prior to destroying any documents prepared  
pursuant to this Consent Order.

5  
6 10.10. Government Liabilities: The State of  
7 California shall not be liable for injuries or damages to  
8 persons or property resulting from acts or omissions by  
9 Respondent or related parties specified in paragraph 12.3, in  
10 carrying out activities pursuant to this Consent Order, nor  
11 shall the State of California be held as a party to any  
12 contract entered into by Respondent or its agents in carrying  
13 out activities pursuant to this Consent Order.

14 10.11. Incorporation of Plans and Reports: All  
15 plans, schedules, and reports that require Department  
16 approval and are submitted by Respondent pursuant to this  
17 Consent Order are incorporated in this Consent Order upon  
18 approval by the Department.

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20 10.12. Extension Requests: If Respondent is  
21 unable to perform any activity or submit any document within  
22 the time required under this Consent Order, the Respondent  
23 may, prior to expiration of the time, request an extension of  
24 time in writing. The extension request shall include a  
25 justification for the delay.



1                   10.13. Extension Approvals: If the Department  
2 determines that good cause exists for an extension, it will  
3 grant the request and specify in writing a new compliance  
4 schedule.  
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6                                   PAYMENTS

7                   11. Respondent shall pay the Department a total of  
8 \$15,000 which will be payable in three installments.

9 Respondent shall commence payment of \$15,000 as follows:

10       **First** payment of \$5,000 due on May 30, 2002;

11       **Second** payment of \$5,000 due on August 30, 2002;

12       **Third** payment of \$5,000 due on November 30, 2002.

13                   Respondent's check shall be made payable to  
14 Department of Toxic Substances Control, and shall be  
15 delivered together with the attached Payment Voucher to:  
16

17                   Department of Toxic Substances Control  
18                   Accounting Office  
19                   1001 I Street, 21st floor  
20                   P. O. Box 806  
21                   Sacramento, California 95812-0806

22 A photocopy of the check shall be sent to:

23                   Florence Gharibian, Branch Chief  
24                   Statewide Compliance Division  
25                   Department of Toxic Substances Control  
26                   1011 North Grandview Avenue  
27                   Glendale, California 91201





1 Mike Shepard  
2 Office of Legal Counsel  
3 Department of Toxic Substances Control  
4 1001 "I" Street, 23rd Floor  
5 Sacramento, California 95812

6 If Respondent fails to make payment as provided  
7 above, Respondent agrees to pay interest at the rate  
8 established pursuant to Health and Safety Code,  
9 section 25360.1 and to pay all costs incurred by the  
10 Department in pursuing collection including attorney's fees.

11 OTHER PROVISIONS

12  
13 12.1. Additional Enforcement Actions: By agreeing  
14 to this Consent Order, the Department does not waive the  
15 right to take further enforcement actions, except to the  
16 extent provided in this Consent Order.

17 12.2. Penalties for Noncompliance: Failure to  
18 comply with the terms of this Consent Order may subject  
19 Respondent to civil penalties and/or punitive damages for any  
20 costs incurred by the Department or other government agencies  
21 as a result of such failure, as provided by Health and Safety  
22 Code section 25188 and other applicable provisions of law.

23 12.3. Parties Bound: This Consent Order shall  
24 apply to and be binding upon Respondent and its officers,  
25  
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1 directors, agents, receivers, trustees, employees,  
2 contractors, consultants, successors, and assignees,  
3 including but not limited to individuals, partners, and  
4 subsidiary and parent corporations, and upon the Department  
5 and any successor agency that may have responsibility for and  
6 Jurisdiction over the subject matter of this Consent Order.  
7

8 12.4. Effective Date: The effective date of this  
- Consent Order is the date it is signed by the Department

10 12.5. Intearation: This agreement constitutes the  
11 entire agreement between the parties and may not be amended,  
12 supplemented, or modified, except as provided in this  
13 agreement.

14

15

16 Dated:\_\_\_\_\_

\_\_\_\_\_  
Signature of Respondent's  
Representative

17

18

19 Dated:\_\_\_\_\_

\_\_\_\_\_  
Typed or Printed Name and  
Title of Respondent's  
Representative

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23 Dated:\_\_\_\_\_

\_\_\_\_\_  
Florence Gharibian, Branch Chief  
Statewide Compliance Division  
Department of Toxic Substances  
Control

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